

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LY TRI,

Plaintiff,

v.

C. GUTIERREZ, et al.,

Defendants.

Case No.: 1:22-cv-00836-KES-SKO (PC)

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR AN
EXTENSION OF TIME WITHIN WHICH
TO FILE OBJECTIONS TO THE FINDINGS
AND RECOMMENDATIONS**

(Doc. 33)

Plaintiff Ly Tri is proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983.

I. INTRODUCTION

On April 25, 2024, this Court issued Findings and Recommendations to Grant Defendant McNutt's Motion to Dismiss. (Doc. 32.) The parties were advised that any objections were to be filed within 14 days of the date of service of the order. (*Id.* at 14-15.)

On May 13, 2024,¹ Plaintiff filed a "Request for 45-Day Extension of Time to File Objection to Findings and Recommendation." (Doc. 33.) Plaintiff seeks an extension "up to and including June 23, 2024." (*Id.* at 1.)

¹ Plaintiff's motion is signed and dated May 8, 2024. Although it is not accompanied by a proof of service, the Court presumes it was mailed that same date.

II. DISCUSSION

Plaintiff contends he needs additional time within which to prepare objections. He states that English is not his first language, he has a “limited basic education,” he has received assistance from a fellow prisoner in the past and requires that inmate’s assistance to “draft and finalize competent objections,” and additional time in the law library is needed “to study authorities” cited in the Findings and Recommendations in order to effectively object. (Doc. 33 at 3.) Plaintiff also states his request is not made to delay or harass the opposing party, and that he cannot easily contact defense counsel about an extension of time. (*Id.*) Plaintiff’s motion will be granted in part.

Plaintiff will be granted an additional 30 days within which to file his objections to the pending Findings and Recommendations. While the Findings and Recommendations are somewhat lengthy, the substantive portion to be addressed in any objections—section “VII. DISCUSSION”—consists of approximately 4 to 5 pages of the 15 pages. Therefore, 30 days is a reasonable length of time, even considering Plaintiff’s limitations. In the event Plaintiff requires more than 30 days within which to file his objections, Plaintiff may seek a second extension of time. Any second request for an extension of time should include specific information about efforts and progress made to date, to establish good cause for a further extension of time.

III. CONCLUSION AND ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that Plaintiff’s motion for an extension of time (Doc. 33) is **GRANTED IN PART**. Plaintiff **SHALL** file his objections to the Findings and Recommendations **within 30 days** of the date of service of this order.

Plaintiff is advised that a failure to comply with this order will result in a recommendation that this action be dismissed without prejudice for a failure to obey courts orders and failure to prosecute.

IT IS SO ORDERED.

Dated: May 16, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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